DUE TO THE EXTRAORDINARY PUBLIC HEALTH CIRCUMSTANCES RELATED TO THE ONGOING COVID-19 (CORONAVIRUS) OUTBREAK, PARTICIPATION IN THIS MEETING WILL BE TELEPHONIC OR VIRTUAL. ALL PDA COUNCILMEMBERS WILL PARTICIPATE REMOTELY.

Date: Wednesday, April 21, 2021  
Time: 4:30 p.m. – 5:45 p.m.
Location: Join Zoom Meeting:  
https://us02web.zoom.us/j/88234771353?pwd=VDcweXoxSUhTckVHaHY2dXBSYlMzUT09  
OR dial +1 253 215 8782 US (Tacoma), Meeting ID: 882 3477 1353, Passcode: 914010

Committee Members: Colleen Bowman (Chair), Devin McComb, Patrice Barrentine, David Ghoddousi and Mark Brady

<table>
<thead>
<tr>
<th>Time</th>
<th>Section</th>
<th>Chair/Leader</th>
</tr>
</thead>
<tbody>
<tr>
<td>4:30pm</td>
<td>I. Administrative</td>
<td>Chair</td>
</tr>
<tr>
<td></td>
<td>A. Approval of Agenda</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. Approval of the March 17, 2021 Executive Committee Meeting Minutes</td>
<td></td>
</tr>
<tr>
<td>4:35pm</td>
<td>II. Announcements and/or Community Comments</td>
<td>Chair</td>
</tr>
<tr>
<td>4:40pm</td>
<td>III. Council Chair Report</td>
<td>Chair</td>
</tr>
<tr>
<td>4:55pm</td>
<td>IV. Committee Chair’s Report</td>
<td>Patrice Barrentine</td>
</tr>
<tr>
<td></td>
<td>A. Market Programs</td>
<td></td>
</tr>
<tr>
<td></td>
<td>B. Finance &amp; Asset Management</td>
<td>Devin McComb</td>
</tr>
<tr>
<td>5:15pm</td>
<td>V. Executive Director’s Report</td>
<td>Mary Bacarella</td>
</tr>
<tr>
<td>5:35pm</td>
<td>VI. Public Comment</td>
<td>Chair</td>
</tr>
<tr>
<td>5:40pm</td>
<td>VII. Concerns of Committee Members</td>
<td>Chair</td>
</tr>
<tr>
<td>5:45pm</td>
<td>VIII. Adjournment</td>
<td>Chair</td>
</tr>
</tbody>
</table>
Executive Committee Meeting Minutes

Wednesday, March 17, 2021
4:30 p.m. to 5:45 p.m.
Location: Join Zoom Meeting:
https://us02web.zoom.us/j/88234771353?pwd=VDcweXoxSUhTckVHaHY2dXBSYIMzUT09
OR dial +1 253 215 8782 US (Tacoma), Meeting ID: 882 3477 1353, Passcode: 914010

DUE TO THE EXTRAORDINARY PUBLIC HEALTH CIRCUMSTANCES RELATED TO THE ONGOING COVID-19 (CORONAVIRUS) OUTBREAK, PARTICIPATION IN THIS MEETING WILL BE TELEPHONIC OR VIRTUAL. ALL PDA COUNCILMEMBERS WILL PARTICIPATE REMOTELY.

Committee Members Present: Colleen Bowman, Devin McComb, Mark Brady, David Ghoddousi, Patrice Barrentine

Other Council Members Present: Gordie McIntyre

Staff Present: Mary Bacarella, Karin Moughamer

Others Present: Bob Messina, Joan Paulson, Jerry Baroh, Betty Halfon, Carol Wolfe

The meeting was called to order at 4:30 p.m. by Colleen Bowman, Chair.

I. Administration
   A. Approval of the Agenda
      The agenda was approved by acclamation.
      Approval of the January 20, 2021 Executive Committee Meeting Minutes
      The January 20, 2021 Executive Committee Meeting Minutes were approved by acclamation.

II. Announcements and/or Community Comments
    Joan Paulson commented that she received a letter from Colleen that states the PDA Council will be filling the Constituency vacancy at their March 25th meeting. Joan also noted that she received a document written by Gerry Johnson that talks about meetings and not one word about elections. She believes this is undermining the public process in the Market for this process to be changed.

    Carol Wolfe, a former vendor in the Market and currently a resident, made a complaint about a person that comes onto the property 4-5 times a week and threatens people with a bullhorn. Eventually security will escort this person from the property. She noted that behavior is not conducive to someone coming to the Market and having a good afternoon. She would like stronger enforcement of the use of bullhorns and people making threats.

III. Council Chair Report
    Colleen Bowman addressed the comment made by Carol Wolfe. There are rules for amplified sound at the Market. The Director is on the call and will take your comment into consideration.
Colleen Bowman congratulated Gordie McIntyre, Abraham Dairi and Gundeep Singh on confirmation, or reconfirmation in her case, by City Council, which took place on March 15th.

Colleen Bowman noted that Gundeep and Abraham will now need to be added to committees. Colleen, per the policies, conferred with Committee chairs to determine committee assignments. In order to not change the committees too much, Patrice Barrentine has offered to step down from Finance & Asset Management Committee and Colleen will step down from Market Programs.

Colleen Bowman moved that Patrice Barrentine is removed from FAM, Colleen Bowman is removed from Programs and that Gundeep Singh is added to FAM and Abraham Dairi is added to Programs. Patrice Barrentine seconded the motion.

David Ghoddousi asked for a friendly amendment adding Gordie McIntyre to the Finance & Asset Management Committee. He commented that with only two committees the committee size should increase and that we should be providing opportunity for anyone to participate and have a vote if we can.

Devin McComb asked for clarification on what motion is being considered.

David Ghoddousi reiterated his motion to add Gordie McIntyre to the Finance & Asset Management Committee and noted his reasoning for increasing committee size and to encourage participation from councilmembers.

Colleen Bowman asked if the committee is discussing the new motion on the floor. Karin Moughamer responded yes, and there needs to be a second for the new motion to be discussed.

Mark Brady seconded the motion.

Devin McComb further clarified that the amendment is discussed first, then a vote is taken, then the first motion is voted.

Mark Brady added that there will be another councilmember to add to committees soon.

Colleen Bowman discussed the reasoning behind the current committee assignments and shared questions and topics brought up in her conversations with committee chairs McComb and Barrentine. As July approaches there could be more conversation about committee composition.

David Ghoddousi reiterated his position that Gordie McIntyre should be placed on FAM as it’s been his desire to be a part of that committee. He also noted that any councilmember can attend meetings and participate.

Devin McComb added that all committee compositions should be reevaluated in June, with is the normal timeline. Devin noted that he has communicated with Gordie McIntyre and his concern is that the committee size of FAM is now approaching the size of full council.

Mark Brady asked why new councilmember Gundeep Singh is being added to Finance & Asset Management when she previously stated that it’s good for councilmembers to start on the Market Programs committee. Mark feels that Gordie McIntyre should be placed on FAM before any new councilmember is placed there and added that Gordie has never missed a FAM meeting and is a dedicated councilmember.
Colleen Bowman commented that Market Programs is a good place to start but Gundeep Singh is an asset management professional and would fill this role well.

David Ghoddousi commented that it’s awesome to see that councilmembers want to participate. He doesn’t look at this as a problem but an asset and a huge plus to have members wanting to participate.

Patrice Barrentine added that it’s March 17th and this process will commence again in June. The goal is to finish out this year and then reseat at the normal time. In three months this could be re-evaluated and right now the goal is to minimize the changes.

David Ghoddousi withdraws his motion, appreciates councilmember Barrentine’s comments, and looks forwards to further review of the committee’s in July. Mark Brady removes his second.

Colleen Bowman withdraws her original motion and made a new motion stating that Patrice Barrentine is removed from FAM, Colleen Bowman is removed from Programs and that Gundeep Singh is added to FAM and Abraham Dairi is added to Market Programs for the remainder of this term until committee decomposition takes place in June or July. Patrice Barrentine seconded the motion.

For: Patrice Barrentine, Devin McComb, David Ghoddousi, Mark Brady, Colleen Bowman
Against:
Abstain:

That motion carried with a vote in favor 5-0-0.

Colleen Bowman asked if this needs to be further reviewed at full council. Karin Moughamer responded no and clarified that Executive Committee review is necessary for removal of councilmembers from committees but not to add councilmembers to committees.

Colleen Bowman continued her Chair report. Colleen has appointed Paul Neal as the Chair of the Nomination Committee. Paul will be back to the Executive Committee on the process moving forward. She thanked Paul for his leadership on this committee.

Colleen Bowman thanked councilmembers for their service as liaisons at Market Foundation meetings. A list of councilmember and the meetings they are attending is included in the packet. She asked that any councilmember that can’t attend due to a conflict should try to find a replacement or reach out to her or Karin in advance.

Colleen Bowman addressed the Constituency vacancy on the PDA Council. She noted that on January 28th at both the Council meeting and Constituency meeting that the Constituency was to fill the vacant seat of Alessandra Mowry by following the relevant rules and policies. Colleen cited the PDA Rules and Regulations, Article 1, Section 2 which states

“If the selecting body has not selected another person as Council member to fill the vacant term described herein within two (2) calendar months from that body's receipt of notice of said vacancy, the vacancy shall be filled by the Council.”

Colleen then cited the Constituency Bylaws, Article 4, Section 8 which states:
“In the case of a vacancy, officers shall be appointed by a majority of the Constituency present, and voting at its next REGULARLY scheduled meeting.”

Colleen Bowman then noted the Constituency held a regularly scheduled meeting the night before and a vote did not take place to fill the vacancy. As a result the PDA Council will fill that seat for the remained of the term. She will present a plan at the Council meeting this month on how to fill the vacant seat. Colleen concluded by noting she was hoping to avoid this situation but she felt it necessary to hold both the PDA Council and Constituency accountable to the governing polices.

David Ghoddousi asked which committee reviewed the letter that Colleen wrote on behalf of the PDA. He also noted that at the Constituency meeting last night Colleen was excited to be a “woman monitor” for the election. He stated that he is confused at Colleen’s behavior.

Colleen Bowman clarified the letter came from Colleen Bowman upon advice from legal counsel. She learned this morning that if the seat wasn’t filled at Constituency last night that this would be the only option left as there are no additional regular meetings of the Constituency this month. This letter does not come from Council but comes from her. It doesn’t require Council action as she is just clarifying the policies.

David Ghoddousi further clarified that the Constituency had 60 days to fill the vacancy and they have plans for an election next week. He noted that in his experience he has never seen this much interest in the process.

Mark Brady commented that he was on the committee with Colleen and Russell in which the dates of the 23rd and 26th were selected and now Colleen is going against her word. He believes this is a conflict of interest and that Colleen is acting without the knowledge of the Council. He added the dates have been set and they will hold an election, in the Constituency office if they have to. They are also putting Chair and Vice Chair on the ballot. Mark commented that this is bad politics and will not be looked on favorably. There are two candidates, Joan and Nick. The minute the PDA picks a candidate they are diminishing what the Constituency is all about. He said he will go to the Mayor or City Council and will do whatever it takes. He commented the PDA is trying to put who they want on the Council. He does not think this is fair and he will go to the newspapers. Mark reiterated Colleen’s participation in the nomination committee and the message that the Constituency had 60 days to fill the seat rather than having to fill the vacancy by the date of a constituency meeting.

Colleen Bowman addressed David Ghoddousi’s comments about the vacancy being filled within two calendar months. The rules state the vacancy needs to be filled at a regular meeting and there are no longer any regular meetings left within the 60 day window. Colleen noted her participation on the Constituency Nomination Committee which was charged with forwarding a recommendation to the Executive Committee. That group agreed to dates should an election need to take place. At that time she was not aware of the “regular meetings” clause and she’s tried to follow the rules as outlined. She does not want to take away the will of the people and she is a member of the Constituency. The PDA Council is operating within the rights of policies that exist.

David Ghoddousi asked why Colleen Bowman didn’t clarify these rules last night at the Constituency meeting. He wants to build harmony and when he first started his term that wasn’t the case and he’s worked hard over time to build that harmony. He believes this will do more harm than good and questionable as to why this came out after the supposed deadline.
Devin McComb commented that he wished we could all be meeting in person having these conversations. He noted the first time he heard about filling the vacancy was during the Constituency Executive Committee meeting when they tried to take a vote. That was not allowed under the bylaws and Devin noted that the Executive Committee started to count the votes and when they realized they could not elect who they wanted to, they tabled the motion. He noted that at every meeting he has said there is only one way to fill the vacancy and it’s in the Constituency Bylaws on how to do this. He knows there are other members of the Constituency that are interpreting the Bylaws in the same way. The Bylaws state the vacancy is to be filled at the next regularly scheduled meeting and that hasn’t been done. Devin doesn’t see that Colleen Bowman has any other choice and understands why she sent the letter.

Colleen Bowman added that all of this could have been avoided if the Bylaws had been followed and she is not a decision maker on the Constituency.

Mark Brady commented that since the beginning they have been asking for insurance. We lost the Chair and Vice Chair because of this. Mark commented that when we were threatened with the 60 days Joan said she would fill the position for five months until a regularly scheduled election. That was their intention. They knew they were constricted by time and Nick already has an officer’s seat as Secretary/Treasurer. Mark then noted that a member of the public shows up and all hell breaks loose and the Chair and Vice Chair resign. And all of their energy has been put into other matters. He thought everyone agreed that the vote would take place on the 23 and 26. People have been elected like that in the past and now the PDA is going to place whomever they want in the position.

Colleen Bowman responded that is not correct.

Mark Brady asked if a nomination committee will be assigned to handle the vacancy.

Colleen Bowman noted that action steps are not being discussed tonight and that she will be consulting legal counsel for how to proceed.

Mary Bacarella asked for clarification on Mark’s statement that a Constituency member would fill this seat temporarily. She believes the position needs to be filled for the rest of its term. Karin Moughamer affirmed that yes, the position needs to be filled for the remained of the term which expires June 30, 2022.

David Ghoddousi noted that in addition to the seat vacated by Ali Mowry the Constituency needs to fill the Chair and Vice Chair positions. The Constituency has a lot to accomplish and the community will be enthusiastic about the democratic process.

Colleen Bowman clarified that the Chair and Vice Chair seats are also vacancies and the same exact policies apply. The Executive Committee should be considering that and filling that vacancy at their next regularly scheduled meeting with the Constituency present.

Patrice Barrentine that government is complicated and there are a lot of rules in place and it’s complicated. Patrice commented that she believes Colleen is handling this well in getting information out quickly. She pointed out the explanation included in the packet of how the PDA and the Constituency work together and that the Constituency is an organ of the PDA and not separate organizations. The PDA bylaws trump the Constituency’s. She would like the Constituency to read the document created by PDA legal counsel which breaks down all the rules in simple language. We will continue to work together to strengthen the Constituency so it functions as it should in its Charter.
David Ghoddousi thanked Patrice for her comments and use of term “organ” to describe the Constituency’s relationship to the PDA. That is nice to hear. The Constituency has talked about liability insurance for some time, which the PDA Council and staff have. He finds the timing of this just the day after Colleen stating she is a “woman monitor” interesting and thinks this conversation needs to be brought to a broader group.

Mary Bacarella commented the main reason the issue of liability insurance came up again had to do with the Constituency’s response to not produce documents requested during a public document request. Refusing to produce these documents is against the law and even if Constituency members had insurance at that time they would not have been covered as they were not following the rules of the law.

Mark Brady commented that the reason we were not in compliance was that Mary said a letter was coming to them that explained why they needed to produce the documents. Mark also noted that there is a recording of Skip Knox at a Constituency Executive Committee in which there was a confrontation and it sounded like there were gun shots. He was concerned with handing over documents to this person. He wanted clarification that it was ok to hand over those documents.

Mary Bacarella clarified that the PDA was under an obligation to produce those documents and it is not up to an individual of the Constituency to not produce those documents. If they did not produce those documents they would not be covered under liability insurance.

Colleen Bowman further clarified that our liability insurance only works if we are in compliance with our policies.

Mark Brady and Mary Bacarella continued to discuss PDA liability and the requirements under the Public Records Act.

Patrice Barrentine added it’s not about insurance but breaking the law.

David Ghoddousi commented that if the member intentionally violates the rules, then the liability insurance if void. If a member acts in good faith, then the insurance is valid.

Mary Bacarella agreed and noted that Mark Brady was not following the law.

Colleen Bowman noted that if the PDA Council does not follow the rules outlined in our Rules and Regulations and do what she is suggesting in her letter, the Council would not be covered under the insurance policy should anyone choose to point that out.

Mark Brady reiterated that if they were given a letter from Gerry Johnson that says the Constituency is covered under the liability insurance, he would have no problem complying with that law. He did receive that letter later the day and he was able to hand over the documents the next day. He was trying to protect their members.

Colleen Bowman noted there is an issue with Constituency communication and there have been members stating they are not getting notifications from the Constituency. A week before an election is concerning that people aren’t receiving communications.
Mary Bacarella added she’s heard from a member that has not received any communications since they signed up last year.

Colleen Bowman concluded that no action is being taken today and she’s done what she thought needed to be done.

IV. Committee Chair’s Report
A. Market Programs
Patrice Barrentine noted it was a great meeting and that Daystall Rules were presented and will be coming to full Council.

B. Finance & Asset Management
Devin McComb noted the February financials were reviewed. Actions taken include an emergency repair on the Heritage House elevator, approval of a portion of HVAC reimbursement to The Pink Door and lease proposal for March.

V. Executive Director’s Report
Mary Bacarella provided the following updates:
- The garage modifications are looking good and she encouraged people to take a look.
- An elevator update will be provided at full council and will include the stair redesign.
- The February and March commercial tenant credits have been applied.
- Construction on the MarketFront is wrapping up.
- Daystall Rules were discussed at Market Programs and there will be a resolution at Council.
- Staff continue to keep an eye on upcoming demonstrations and protests to ensure there’s an adequate plan in place should they come through the Market.
- The Mayor made a visit to the Market and met with a couple of tenants that received city grants.
- On March 22nd restaurants will be able to increase to 50% capacity and staff are looking into whether buskers will be able to return to the Market with these new guidelines.
- More residential units are being filled as staff work to complete work unit turns.
- Parking is starting to increase, especially on Saturdays.
- Capital projects are going to begin again starting with repair of the marquee in the Sanitary Market near Jack’s Fish.
- The Commons, Foundation, PDA residential and the Senior Center teamed up to offer a mobile vaccination clinic and another will take place in about a month.
- This weekend the Market is hosting Daffodil Day.
- There are a number of small business webinars taking place over the next month.
- She addressed the public comment by Carol Wolfe and she has called City Councilmember Andrew Lewis to let them know about the issue and staff are taking decibel readings in order to respond appropriately.

VI. Public Comment
Gordie McIntyre noted he is not a member of the Committee and so was holding his comment until now. Colleen Bowman commented that as a councilmember he can make a comment at any time.

Gordie McIntyre agrees that the Constituency Bylaws state the Constituency has to fill the vacancy at the next meeting. At the time they were unable to comply with state law to address the privacy of the vote. There was no way to protect the privacy during a Zoom meeting. That is the entire reasoning to hold their elections in public at the Market. He believes the state law trumps the Constituency Bylaws and Rules and Regulations of the PDA.
Joan Paulson clarified that Gerry Johnson’s response came to Mary on March 9th and sent to PDA board on March 10th. That is the information included in the packet. The responses included in Gerry Johnson’s document only addresses meetings and not the election for board positions for which the Constituency is voting. She agrees and commends what Gordie McIntyre just said about public law and the privacy of voting. Joan also commented that the process of the PDA filling this position is clouded and is not being discussed publicly. She says this is the same process that took place on January 28th to remove Ali and that was a walk on resolution. She believes this is a flaw of the Charter.

Bob Messina agreed the vacancy for Ali was supposed to be filled at the next Constituency general meeting. However that vote would have had to be a voice vote and this is against state law. He believes this is against state law. Bob asked if there is a legal foundation for requiring members to make their vote in public and everyone would hear that vote. He believes the intention of the Bylaws is that people would attend the meeting in person and vote with a ballot box. He would like to know how that vote could have taken place and he believes the only way out is to allow in-person voting.

Betty Halfon noted that at the Constituency meeting there was a lot of discussion about how to vote online to ensure privacy and there are ways of doing that. Those options have not been reviewed and that needs to happen. Betty also commented the Constituency and PDA Bylaws state the reasons that councilmembers can be removed and one of those is missing meetings. Ali was contacted many times and did not respond and so she violated the rules and was removed.

VII. Concerns of Committee Members
Mary Bacarella clarified there were a number of Constituency members talking with the Council about removing Ali Mowry as it is easier for the Council to remove rather than the Constituency. The resolution to remove Ali was not a walk-on resolution and was included in the packet that went out.

Karin Moughamer commented that any councilmember can bring up any topic for discussion and review at a council meeting. It does not need to be on the agenda for the council to take action.

Patrice Barrentine appreciated the concerns of Constituency members. In future conversations it would be helpful for people to clarify which group people are referring to – Constituency or PDA or Council. With regards to the comments about privacy, there are several technology platforms, even within Zoom, that can help with that. She hopes the Constituency will look into that in the future.

Mark Brady commented that he believed that there was an original agenda without Ali’s removal and then the next day there was an agenda noting the removal of Ali. Karin Moughamer responded the resolution for Rico to be a consultant to the PDA was added to the agenda, not the one concerning Ali. She added that even if Council had wanted to bring that resolution or motion to a vote at the meeting they could have done so.

Devin McComb called Shenanigans on the Constituency’s argument that they were surprised the Council voted to have Ali removed. He had conversations with several people who are members of the Constituency. He tried reaching out to Ali to try to get her to return to the Council and she never responded. He commented that it’s not fair, accurate or right to say this is a surprise. He challenged anyone on the Constituency or the Council to state why Ali should have remained on the Council.

Mark Brady noted that Matt Hanna missed as many meetings as Ali did and nothing was done. He noted the Chair of the Constituency dropped the ball and tabled it. The Constituency can’t be blamed by one
person’s handling of the situation. They tried to do the right thing, the right way, even though the process is longer. That process is in their bylaws.

David Ghoddousi commented this is unfair to Ali Mowry. He valued her opinion and participation. We have always given councilmembers leeway when they are dealing with personal issues. It’s unfair to bunch her into a bag with other members. We have to be respectful and conscience to all members and we hope they return. The Constituency was going to take up the process of removing Ali in the beginning of the year. It was not brought to a committee to discuss. At that vote he disagreed with the process. He wishes Ali Mowry the best.

Devin McComb suggested Colleen Bowman could add another public comment period for Jerry Baroh to respond to Mark’s comments. Devin noted that he has reached out to Ali and any insinuation that she wasn’t being respected or treated with respect is baseless and insulting. This was debated at Council two months ago and why we are in this situation now.

Mary Bacarella commented that two weeks before this happened, Mark Brady thanked her and was glad that Rico was doing this to get Ali off the Constituency and the Council.

Colleen Bowman added that in her conversations with Ali she said that she was not going to resign and she was not going to quit. They will have to remove me. The Constituency doesn’t remove council members, the Council removes Councilmembers and it’s a quicker process.

Colleen Bowman allowed Jerry Baroh to respond to Mark Brady’s comments.

Jerry Baroh noted it was brought up to him by several members of the Constituency and Jerry talked with Ali who said under the Constituency Bylaws she can miss more meetings of the Constituency than of the Council. Jerry reached out to several members of the Council who said it’s easier for the Council to remove a member than the Constituency. Jerry stated he had started the process. Ali had plenty of chances to come and he loved having her at the meetings as she looked towards the future rather than the past.

VIII. Adjournment
The meeting was adjourned at 5:17 p.m. by Colleen Bowman, Chair.

Meeting minutes submitted by:
Karin Moughamer, Executive Administrator